(1)

P.R. No. 271/06
Presented by Shri M.P.S. Bhati
dated 23/05/06

(3)

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, BILASPUR (C.G.)

WRIT PETITION NO. 2686 /2006

PETITIONER (PLAINTIFF) : **Jashwant Kumar Gupta**, S/o. Ramesh Gupta, aged about 26 years, R/o. Main Road, village Kusmi (Samri), P.S. Kusmi, District Surguja (C.G.)

VERSUS

RESPONDENTS (DEFENDANT) : **State of Chhattisgarh**, Through- Collector, Surguja, (C.G.)

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS, ORDER/ORDERS, OR/AND DIRECTION / DIRECTIONS IN THE NATURE OF CERTIORARI/ MANDAMUS, OR OF ANY OTHER APPROPRIATE NATURE.

(50)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

Writ Petition No.2686 of 2006

PETITIONER (PLAINTIFF)	Jashwant Kumar Gupta, S/o. Ramesh Gupta, aged about 26 years, R/o. Main Road, village Kusmi (Samri), P.S. Kusmi, District Surguja (C.G.)
	Vs.
RESPONDENT (DEFENDANT)	State of Chhattisgarh, Through-Collector, Surguja, (C.G.)

Present : Shri M.P.S. Bhatia, learned Counsel for the petitioner.
Shri. Yashwant Singh, learned Govt Adv., for the State/Respondents.

ORAL ORDER
(Passed on 21st June 2006)

The petitioner has suffered a decree at the hands of the civil Court and he has preferred an appeal to the Court below. In the said appeal, he has moved an application for stay of the operation and execution of the decree under appeal. The application, for one or the other reason, is not yet decided on merit by the appellate Court. In the circumstance, the petitioner moved an application under Section 151 of the Code of Civil Procedure praying the Court below to stay the decree under appeal till his application for stay is decided on merit after hearing the other side. The said application has been rejected. The decree holder has filed execution petition to execute the decree under appeal.

2. In that view of the matter, I dispose of this writ petition directing that the decree under appeal shall stand suspended till the learned appellate Judge hears and disposes of the application filed by the petitioner for stay. No costs.

Sd/-
Chief Justice

Brajesh